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To: The Members of the Public Safety Committee

March 3rd, 2009

From: Lieutenant John McAllister

Subject: The designation of land to be used for a Police Driver Training Facility.

I am here to explain why the state of Connecticut needs to address the current lack of police driver training.

In 2000, the State of Connecticut passed legislation titled "The Uniform Statewide Pursuit Policy". This legislation was ground breaking and unique. Only one other state having such a law. Until this legislation, each law enforcement agency had in place its own policies and procedures. This legislation became law under Title 14-283. As part of this law, training was mandated in Safe Driving Tactics. This training is to occur tri-annually in concurrence with the police officer re-certification program. This training mandate however was unfunded and no guidance was provided for its application.

In May of 2008, as part of a college research project I sent a survey to 100 Law Enforcement Agencies in this state. 48 responded. 60% indicated they provide no training in police driving. Of the 40% that responded they do provide training, 94% only provided training in lecture or theory only. Only 2 agencies indicated they perform actual on road training in police driving tactics.

Additional information obtained from the survey indicates the average agency reported 7.5 police vehicle crashes in the calendar year of 2007. The average cost per crash event for police vehicle damage only was \$1,778. The total average cost per agency

for 2007 being \$13,335. Assuming this to be the average amount, it would be reasonable to approximate the average money lost on damaged police vehicles only for 2007 was in the area of 1.3 million dollars. Personal injuries involving police vehicles during this same period were averaged to be 165 statewide.

Under state negligence law, the elements needed to bring action include duty to care, a breach of that duty and injuries proximately caused by that breach. Public agencies are not usually held liable for tortuous injury unless liability is imposed by statute. In Connecticut, this liability has existed since the adoption of the "Uniform Statewide Pursuit Policy", specifically the section mandating training.

Additional liability exists in federal courts under Title 42, U.S. Code 1983, Federal Civil Rights Act. In *Canton v. Harris*, the U.S. Supreme Court ruled "The inadequacy of police training may serve as a basis for a 1983 liability claim where the failure to train amounts to deliberate indifference to the rights of persons with whom police come in contact".

Police driving is a high frequency task that is also a high liability area. Use of police firearms is a low frequency task that is also a high liability area. All police officers in Connecticut train at least once per year for firearm requalifications. The survey I conducted indicates over 90% of the police agencies in Connecticut conduct no training in actual police vehicles.

The average police officer trains with their firearm at least once per year. Most will never fire their weapon in the line of duty. Every officer drives a police vehicle every day, often responding to emergencies with lights and siren. Most will be involved in more than one pursuit in their career. Almost all police officers in Connecticut receive no further driver training once they graduate as a basic recruit from the police academy. For the past 11 years, automobile crashes have surpassed felonious assaults on police officers as the leading cause of on-duty deaths. Passage of this legislation is needed to correct this current situation.

The construction of a police driver training facility would significantly decrease agency liability and eliminate any failure train claims under 1983 or state negligence tort claims.

Thank You

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